

DISTRICT COURT FOR THE NORTHERN
DISTRICT OF ALABAMA'S NORTHEASTERN DIVISION

2018 Apr-18 PM 12:53
U.S. DISTRICT COURT
N.D. OF ALABAMA

Mr. Jimmy Lee Watkins,
The Petitioner,

[Vs.]

The Commissioner; Mr. Jefferson S. Dunn,
et AL.,
The Respondents.

FILED
APR 18 AM 10:26
U.S. DISTRICT COURT
NORTHEASTERN DIVISION

THE PETITIONER'S MOTION FOR SUMMARY JUDGMENT CONSTRUCTION RULE (56)
(D).., AND (G).., DUPLICATIVE AS :

THE PETITIONER'S AMENDED COMPLAINT PURSUANT TOWARDS HIS ATTACHED AFFIDAVIT UNDER;
Monetary Damages Including sections : 15 U.S.C. § 78 (U).-(4).(B).(2).., 15 U.S.C. U.(D).(3).(B).(ii)..,
33 U.S.C. §§'s 1251, 1319 (D).., C.F.R. §§'s 201.1003-04, E.G., 46 U.S.C. And § 1713 (C).., And (D). (1994 Ed.),
§ 1712 (A).(1994 Ed., Supp. V)..,
('WHOEVER VIOLATES... A COMMISSION ORDER IS LIABLE TO THE UNITED STATES FOR A CIVIL PENALTY')

CASE NUMBER : [05 - CIVIL - 01802 - MHH - SGC]

VERY SERIOUS EMOTIONAL DAMAGE FROM SEXUAL HARASSMENT

The Petitioner Pro-Se

[A.I.S. 276564, F.B.I. 409015AD5]

Mr. Jimmy Lee Watkins
Limestone Correctional Facility
28779 Nicklavis Road;
Harvest, Alabama; 35749-7009

FRONT PAGE

This is an official Amended Complaint duplicated as a Motion For Summary Judgment On The Pleadings, under the Sections listed within the front page for VERY SERIOUS EMOTIONAL DAMAGES FROM SEXUAL HARASSMENT pursuant towards the Petitioner's Affidavit, in which, the cause of the Petitioner having personal sleeping mental health issues, in which also explains why the reasons he has to have help, and the assistance from another inmate. At this current time time the Petitioner is incarcerated at Limestone Correctional Facility located in Harvest, Alabama. Also, the United States Of America is a Party towards multiple Treaties, Rules Of Orders, and several Federal Moral Laws that involve multiple Federal questions, and also it explains many valid Legal Rights, in which also was violated by these following Respondents that listed below as in after the Petitioner;

[II].THE ACTUAL PARTIES TOWARDS THIS CIVIL ACTION

[I].THE PETITIONER

- 1).The Petitioner is an African American Citizen; Mr. Jimmy Lee Watkins located at; Limestone Correctional Facility 28779 Nickdavis Road, Harvest, Alabama 35749-7009.
-

[II].THE RESPONDENTS

- 1).The Respondent is The State Of Alabama's Regional Director; Mr. Jefferson S. Dunn located at; The Commissioner's Office Of A.D.O.C., 1400 Llyod Street, Montgomery, Alabama 36107.
 - 2).The Respondent is The State Of Alabama's Regional Director; Mr. Grant Culliver located at; The Commissioner's Office Of A.D.O.C., 1400 Llyod Street, Montgomery, Alabama 36107.
 - 3).The Respondent is The State Of Alabama's D.O.C.'s Warden; Mr. Patrick located at; Limestone Correctional Facility, 28779 Nickdavis Road, Harvest, Alabama 35749-7009.
 - 4).The Respondent is The State Of Alabama's D.O.C.'s Warden; Mr. Gordey located at; Limestone Correctional Facility, 28779 Nickdavis Road, Harvest, Alabama 35749-7009.
 - 5).The Respondent is The State Of Alabama's D.O.C.'s Captain; Mr. Robinson located at; Limestone Correctional Facility, 28779 Nickdavis Road, Harvest, Alabama 35749-7009.
 - 6).The Respondent is The State Of Alabama's D.O.C's Lieutenant; Mr. Coady located at; Limestone Correctional Facility 28779 Nickdavis Road, Harvest, Alabama 35749-7009.
-

[III].THIS HONORABLE COURTS JURISDICTION
AND VENUE

The Petitioner alleges that this Federal Distric Court has the Supplemental Jurisdiction, And the Proper Authority Towards Entertaining this Civil Action, And to grand His relief requested herein, Pursuant towards the; State's Federal Moral Law claims under :

- 1).Section 28 U.S.C. §1367, and;

7).The Respondent is The State Of Alabama's D.O.C.'s Sergeant; Ms. Johnson located at; Limestone Correctional Facility 28770 Nickdavis Road, Harvest, Alabama -7009.

8).The Respondent is The State Of Alabama's D.O.C.'s P.R.E.A.'s Supervisor; Mr. William Boehemann located at; P.O. Box 552, Richmond, Texas 7746.

- [C].The United States Of America is a member of the American States, and is a "PARTY" towards multiple treaties also that explains how specific Prisoners should be treated, and;
- [D].Procedure V. (A).(1).(2).-Inmate on inmate sexual harassment (A).-The I.P.C.M., And the (I & I) investigators shall be notified of all incidents involving SEXUAL HARASSMENT of any inmate by another inmate in accordance with A.R.302, Incident Reporting, and on receipt of the Alabama's Department Of Corrections Form 454-I, The A.D.O.C.'s Investigator Report Inmate on inmate sexual harassment, and;
- 1).The Supervisor assigned is responsible for CONDUCTING A PROMPT, THROUGH, AND OBJECTIVE ADMINISTRATIVE INVESTIGATION WITH ALL SUCH CASES, and;
- 2).The P.R.E.A. Shall Be Responsible For;
- [A].Implementing, and Monitoring the A.D.O.C's compliance with the P.R.E.A.'s standards, and;
- [B].Consulting with the associate Commissioner of the operation, or Deputy Commissioner of the Warden's Services, and the facilities Warden to provide input on the institutional staffing plans, and surveillance monitoring equipment additions, or changes as it relates towards P.R.E.A. Pg.(70). F-46, A.R.-454- January 4th, 2016, and;
- [D].Section 28 U.S.C. §§'s 1331, 1343 (A).(3)., and (4), and 1346, Because this Civil Section arises under the Federal Constitutional Moral Laws, and Treaties of the United States Of America, and;
- [E].Americans Disability Act[s] Sections;
- 1).42 U.S.C. § 12101, and;
- 2).§ 12102 (1)., and;
- 3).§ 12213, and;
- 4).Section 29 U.S.C. § 705 (9).(B)., and;
- 5).Section 28 U.S.C. 1367.

The Petitioner hereby invokes the Pendent, and Exclusive Jurisdiction, and Authority of the Federal District Court for the Northern District Of Alabama's Northeastern Division.

[IIII].THE CAPACITY INWHICH THESE RESPONDENTS ARE BEING SUED

The Petitioner Mr. Watkins is suing each, and every Respondent that is identifiable within the Petitioner's Amended Complaint duplicated as a Motion For Summary Judgment On The Pleading within their Individual, and Official Capacity for Monetary Damages for Lawful Currencies of the United States Of America, also the Petitioner Mr. Watkins is suing each, and every named Respondent that is identifiable for Declaratory Judgment Relief Pursuant towards the Affidavit, and Section 28 U.S.C. §§'s 2201, and 2202. The Due Process Clause of the Fourteenth (14th) Amendment does not, as a General matter, Requiring the Government to protect it's Citizens from the unethical acts of private actors, However, this General Rule is not absolute, and a number of many Circuit has adopted a "STATE - CREATED DANGER EXCEPTION" towards the General Rule, Under which a State Actor who is knowingly places an American Citizen in danger may be held accountable for the foreseeable injuries that resulted. The Petitioner Mr. Watkins reaches these standard requirements legally protected interest. The Petitioner Mr. Watkins claims for injunctive relief are authorized by Section 28 U.S.C.'s Section 2283, and 2284, and Rule (65) of The Fed. R. Civ. P., and also he seeks to sue for nominal damages.

The Petitioner Mr. Watkins alleges that the Respondents at all times are relevant towards his Amended Complaint were acted under the United States Of America's Moral Laws.

 [I]. CLEARLY EXPOSED READABLE STATEMENT OF FACTUAL ALLEGATIONS,
AND INFORMATIONAL RELATED CLAIMS TOWARDS
THE NAMED RESPONDENTS LISTED BELOW

- 1). Mr. Patrick, and;
- 2). Mr. Gordey, and;
- 3). Mr. Brown, and;
- 4). Mr. Fox, and;
- 5). Ms. Jonhson.

 [(\$)] - ATTENTION ! ! ! : THE PETITIONER HAS NOT INCLUDED RESPONDENT NUMBER (5), AND HAS INCLUDED HER OFFICIALLY BECAUSE SHE WAS ACTUALLY INVOLVED WITHIN THIS PERSONAL MATTER. THE RESPONDENT IS AN ACTUAL PARTY TOWARDS THIS CIVIL ACTION MATTER.

AFFIDAVIT OF PETITIONER MR. WATKINS

The Petitioner has previously file a complaint, and was told twice to amend his complaint. The Petitioner has suffered from this incident, and still is suffering still till this very present day, and will not be in a form of correct thinking untill he has justice done correctly. He is suing for monetay, nominal, and injunctive reliefs due be cause of the kick back from the Respondents not willing to do their jobs properly. He has been suffering since June 22nd, 2016 inwhich is now basically two (2) years. The Petitioner seeks for Summary Judgment within his favor, and also seeks that the Honorable Court discontinue any futher extentions for the Respondents after the first thirty (30) days due because of the shifts that are worked are two (2) days on, and three (3) days off every other weekend, and through out the week days. This is a factor that shows that there is plenty of hours through out the week to schedule for a lawyer, and to come up with a standard special report. Mr. Watkins was sexual harassed by an inmate by the name of Mr. Timothy Sunday, and he had reported it as soon as he had the valid chance. He had informed the named Respondents and was given the run-around game. He has even used the chain of command all the way up to the first (1st) Warden, and was told by the second (2nd) Warden to go back, and talk to the P.R.E.A director which is Mr. Coady. Mr. Coady was informed the first time after he was called by Mr. Fox, Mr. Brown, and assisted by Ms. Jonhson, "in-all" it was a watching event for them, as they did not charge the inmate, and did not take this matter very serious. The Petitioner was yelled at by Mr. Coady who used outrageous conduct towards the Petitioner after he was asked by another inmate who he had went to church with questioned Mr. Watkins about what was going on, and the Petitioner

and then got into the Petitioner's face making threats insaying; I AM DOING MY JOB , AND IF YOU DONT LIKE THE WAY IM DOING MY JOB TELL ME SO I CAN LOCK YOUR BLACK A - - UP ! ! ! The Petitioner did not get aggressive with the Respondent, as along with the Respondent trying to use reverse psychology to trick the Petitioner into re-writing the statement he had reported to Mr. Fox, Mr. Brown, Mr. Coady ,and Ms Johnson, in saying that the Petitioner did not have enough evidence to bring charges. In the orientation Mr. Coady asked the Political question in saying; If an inmate make sexual guesters at you, or come at you, is that sexual harassment? Mr. Watkins said yes, and Mr. Coady said it is, and it is not. . .

The Petitioner tried to obtain some type of help from the Listed Respondents, and did not receive what he properly asked for which show the failure to train that stems to the higher officials who are in Montgomery, Alabama. This leaves the Petitioner no choice but to file what's proper under the Federal Maritime Commission (F.M.C). This is the Federal Jurisdiction towards the Respondents, the Petitioner raises this issue in a silence of aggressive pain who is in need of assistance from the United States Attorney's Office. As the Petitioner's copies has reached the security files explaining more, also the Petitioner expresses that; The Amendment clarified that, "The Judicial Power Of The United States shall not be construed to extend to any suit in law, or equity, commenced, or prosecuted against one of the United states Citizens of another state <533 U.S.753>, or by Citizen subject of any Foreign State. "WE HAVE SINCE ACKNOWLEDGE THAT THE CHISHOLM DECISION WAS ERRONEOUS. See, EG., Alden, 527 U.S. at 721-722. United States Supreme Court 2017 535 U.S. 743 :: FMC V. S.C. State Ports Auth. :: February 25, 2002 Opinion. See Seminole Tribe, 517 U.S., at 58 ("We have often made it clear that the relief sought by Plaintiff suing <535 U.S. 766>, a State is irrelevant to the question whether the suit is barred by the Eleventh (11th) Amendment"). <152 L. Ed.2d LEDRIA> Sovereign Immunity does not merely constitute a defense to monetary liability. Rather, it provides an immunity from suit. The statutory scheme, as interpreted by the United States, is thus no more permissible than if Congress had allowed Private Parties to sue States in Federal Courts for violations of the shipping act, but precluded a court from awarding them relief. It is also worth nothing that an FMC order that a State pays reparations towards a private party may very well result in the with drawal of funds from the State's Treasury. A State subject to such an order at the conclusion of an FMC adjudicatory proceeding would either have to make the required payments to the injured private party, or stand in violation of the Commission's Order. If the State were willfully, and knowingly to choose noncompliance, the

Commission could assess a civil penalty (22 U.S.C. 1070) of up to \$50,000 a day against the State. See 46 U.S.C. App. § 1712(A). (1994 Ed., Supp. V.), And if the State then refuses to pay that penalty, the Attorney General, at the request of the Commission, could seek to recover that amount in Federal District Court; Because that action would be one brought by the Federal Government, the State sovereign immunity would not extend to it.

Also as relevant here, a second tier penalties have much higher cap, of; \$65,000, or \$75,000, deciding on the date of the violations. See 15 U.S.C. § 78 U(D).(3).(B).(ii): 17 C.F.R. §§ 201.1003-04. Second-Tier penalties may only be imposed for violations that involves "fraud, deceit, manipulation, or deliberate, or reckless disregard of regulatory requirement." In Till, the Supreme Court held that the Seventh (7th) Amendment grants a right to a jury trial on liability for civil penalties under the clean water act, 33 U.S.C. §§'s 1251, 1319(D). The relevant Civil-penalty provision of the securities exchange act provides maximum penalty amounts "for each violation," 15 U.S.C. § 78 U (D).(3).(B). To be sure the United States suggest that the FMC's statutory authority to impose civil penalties for violations of reparation orders is "doubtful." Reply brief for the <152 L. Ed. 2d 982> states 7. The relevant statutory provisions, However, appear on their face to confer such authority for while reparation orders, and none reparation orders are distinguished in other parts of the statutory scheme, See, E.G., 46 U.S.C. App § 1712 (A). (1994 Ed.), The provision addressing civil penalties makes no such distinction. See § 1712 (A). (1994 Ed., Supp V.). ("Who ever violates... A Commission order is liable to the United States for a civil penalty on a state for failing to obey a nonreparation order, which, if enforced by the Attorney General, would also result in a levy upon the State's treasury. The Petitioner Constitutional rights has officially been violated by the named listed Respondents including Ms. Johnson, Moreover the P.R.E.A. director of the prison has caused the Petitioner to suffer from emotional injury from the outrageous conduct, and the others just seemed to ignore the Petitioner's request by sending him in a circle. The Petitioner has wrote the supervisor Mr. William Bohmann, and still has not got a respond neither. The Petitioner expresses that the failure to train, failure to investigate, and the failure to supervise is a very big factor within his Amended Complaint, and he is suing for \$995,000.75 in compensatory damages from each named listed Respondent, \$795,000.75 in punitive damages from each named listed Respondent, \$10,995.95 in nominal damages, and is seeking that the Federal District Court along with the United States Attorney General is to officialize charges against the inmate who sexual harassed Mr. Watkins, also to be sure to set orders that this occasion is to never happen again, and to make the example by showing that the Respondents need to take people lives more serious. . .

In the month of June 2016, The Petitioner was grabbed by the back of his neck by the inmate. The Petitioner then told the inmate not to touch him any more especially the way that he did. As this was shared with the Officials in the shift office, the Petitioner expressed that before this the inmate tried to get the Petitioner to move into the cell with him as he claimed that he wanted to help the Petitioner with his legal work. The Petitioner then asked around about the inmate, and found out that the inmate has had prior altercations, and other reports about sexual harassment. As so then, after the guster is when the Petitioner told the inmate not to touch him due towards this information was shared with the Petitioner. The a few days later the Petitioner was then grabbed on his left trout, and then squeezed on the back of his neck, after he had officially warned the inmate not to touch him again. The Petitioner then told the inmate that he told him not to touch him again, as the Petitioner followed instructions from the P.R.E.A.'s director Mr. Coady. The Petitioner reported this situation to the Officials, an as expressed by the Petitioner, this action was not taken serious, and this left the Petitioner seriously emotionally injured, Inwhich he has had thoughts about suicide, which explains now why he is now a mental health patient. Other options could of been decided by the Petitioner like fighting, stabbing, or even perhaps killing the inmate from this situation that has occurred but the Petitioner chose to try to have Justice served to avoid all of these bad decisions, inwhich still eats him up on the inside up untill this very present day.

~~THE PETITIONER'S PRAYERS FOR RELIEF~~

WHEREFORE, The Petitioner Mr. Watkins Forever Prays that this Honorable Court will officially GRANT the following Relief as requested on the basis of this avoided trouble emotional issue, as listed below are the following request as in;

1).The Petitioner Prays that this Court enters into a trial by the jury as soon as the time for the Respondents are allowed to answer the future requests of the Judges Orders on the strictly set amount of days after the Respondents have been served there Summons, and Complaints explaining to the Respondents that they have a certain amount of days to reply to the Judges Order under the Federal Maritime Commission Act's Policy.

2).To see that the Petitioner is Transported for a valid trial date, inwhich delivering the Petitioner his personal copies showing that the Respondents have been served, and informing the Petitioner of how many days the Respondents have to file, and answer to the Judges set Order.

3).The Petitioner request that the Court sets the standards that they inwhich feel is best to help the Petitioner from all of the pain that he has officially suffered from since June 2016, up untill this very present day, thus applied also; The Petitioner seeks what he has requested for in compensation, or what ever the Court deems best to help the Petitioner to help support his ongoing mental defects that has damaged the Petitioner's conscience as soon as possible.

I, Mr. Jimmy Lee Watkins do hereby certify, That I have officially placed the true, and correct copy of the same within the hands of the Governmental Officials who works for the A.D.C.'s Via-Legal Mail Services for this Corporation to deliver to the following trats listed below;

The United States Of America's Federal Magistrate Judge
Honorale Stacy G. Cornelius
(11Th Cir.) United States Federal District Court For The Northern District
Of Alabama's Northeastern Division
Hugo L. Black United States Of America's Courthouse
1729 (5Th) Avenue, North Birmingham, Alabama 35203-00203, and;

The United States Of America's Attorney's Office
Honorale Superior Attorney
1801 Fourth (4Th) Avenue North, Birmingham, Alabama 35203-00203

CERTIFIABLE NOTARY PUBLICAN

I, Mr. Jimmy Lee Watkins Do hereby Swear under the Penalty of Perjury, That towards the best of my information, belief, and knowledge, that the statements contained within this Amended Complaint, are true, and correct by the handwriting of my signature. This was published on the exact date of 04/12/2018.

/S/[X]. Mr. Jimmy Lee Watkins
Mr. Jimmy Lee Watkins, (Pro-Se)

Sworn, And subscribed before me on this exact date of : 4/12/18.

My Commission expires : 11/11/2022

[X]. David R. Rapp
Notary Publican's Signature



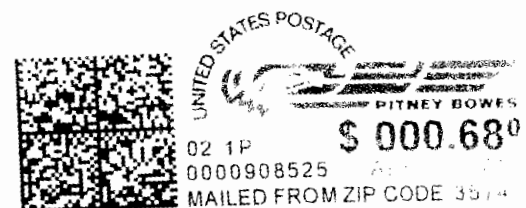
VERIFICATION UNDER OATH SUBJECT TO THE PENALTY PERJURY

I, Mr. Jimmy Lee Watkins do hereby Swear Under the Penalty of Perjury by my handwritten signature below, That towards the best of my information, knowledge, and beliefs, That the Statements contained within this Amended Complaint are true, and correct.

Done on : 04/12/2018.

/S/[X]. Mr. Jimmy Lee Watkins
Mr. Jimmy Lee Watkins (Pro-Se)

Mr. Jimmy Lee Watkins [F.B.I. No.: 409015AD5]
Limestone Correctional Facility 28779 Nickdavis Road;
Harvest, Alabama 35749-7009



Hugo L. Black United States Courthouse
1729 (5Th) Avenue North; Birmingham, Alabama 35203-00203
This Correspondence is forwarded from
an Alabama State Prison. The contents
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Att.!!!: VERY IMPORTANT LEGAL MAIL]

SECURITY

APR 18 2018

U.S. DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA